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IAB # FO 2217416

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: June 7, 2010

OFFICE CORRESPONDENCE FILE NO. FO2217416

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY JOHN ALVAREZ #[redacted]
DEPUTY JASON AMES #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY ISRAEL SANCHEZ #[redacted]
PALMDALE STATION

On May 27, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies John Alvarez #[redacted] Jason Ames #[redacted] #[redacted] and Israel Sanchez #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

July 14, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 09-0295
L.A.S.D. File# 008-80091-2611-035

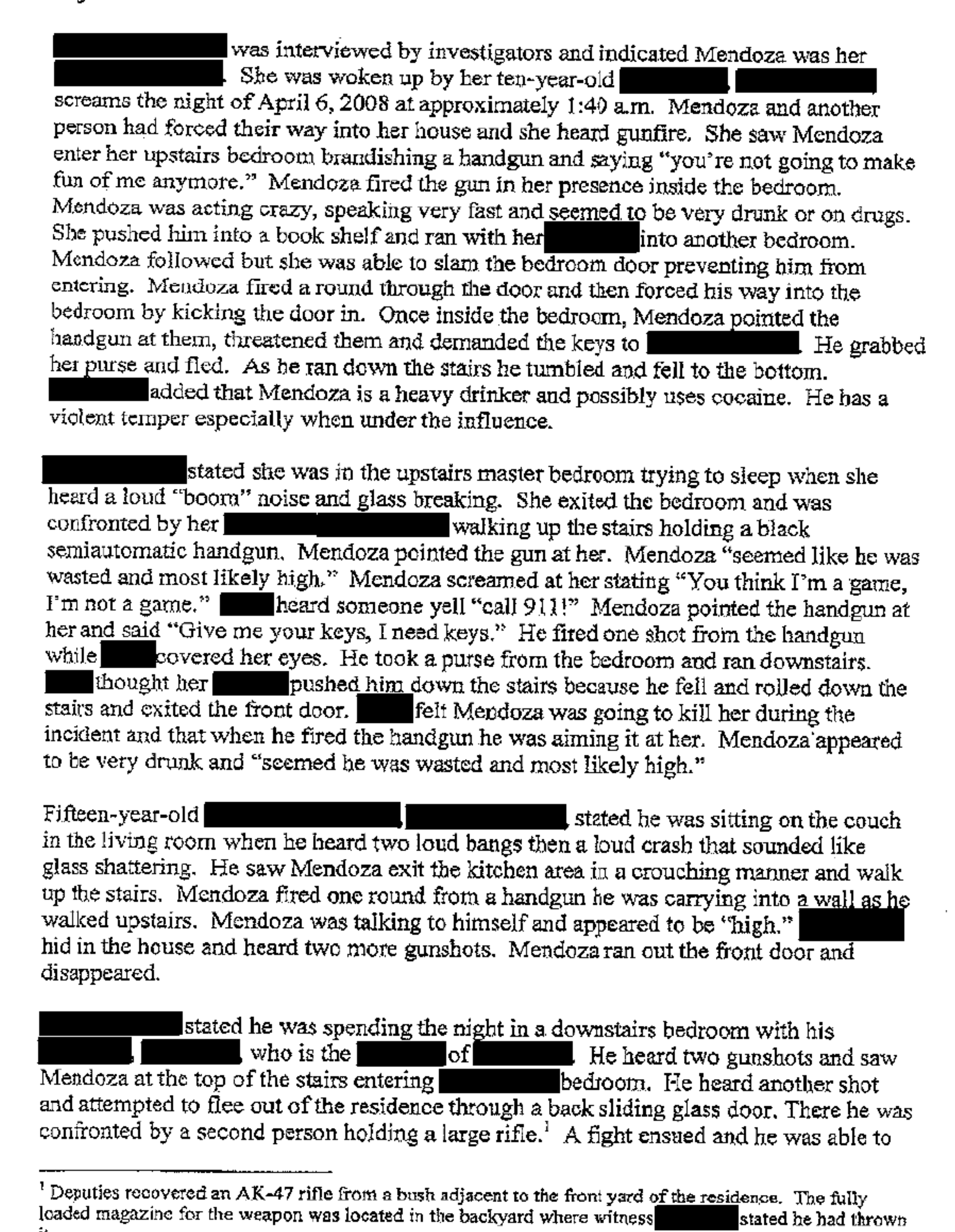
Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 6, 2008 death of Jose Escobar Napolean Mendoza following his detention and arrest by Los Angeles County Sheriff's Department Deputies John Alvarez, Jason Ames, [redacted], Israel Sanchez, and Sergeant Michael Naccarato. For the reasons set forth below, this office declines to initiate criminal proceedings against the deputies and sergeant.

The following analysis is based upon reports prepared and submitted on May 7, 2009, by Detectives Scott Fines and Brian Schoonmaker of the Los Angeles County Sheriff's Department (LASD), Homicide Bureau. The incident started at approximately 1:40 a.m. on April6, 2008 and Mendoza was pronounced dead at 4:08 a.m. The District Attorney Response Team was notified at 8:39 a.m. and therefore did not respond to the scene. Compelled statements of the officers were not considered as part of this analysis.

FACTUAL ANALYSIS

On April 6, 2008, LASD deputies were dispatched to a report of a home invasion robbery with shots fired occurring in the City of Palmdale. Deputies detained Jose Mendoza who was found hiding in bushes of a nearby residence. Mendoza was identified as one of the suspects by witnesses. Mendoza became enraged and combative with deputies resulting in the deputies handcuffing him, using pepper spray and a taser upon him, as well as hobbling his legs while he was thrashing about. After being placed into a LASD patrol vehicle, deputies noticed Mendoza breathing was suddenly shallow and he was unresponsive. Paramedics were called and rescue efforts were performed. Mendoza was transported to Antelope Valley Hospital where he died.



[redacted] was interviewed by investigators and indicated Mendoza was her [redacted]. She was woken up by her ten-year-old [redacted], [redacted] screams the night of April 6, 2008 at approximately 1:40 a.m. Mendoza and another person had forced their way into her house and she heard gunfire. She saw Mendoza enter her upstairs bedroom brandishing a handgun and saying "you're not going to make fun of me anymore." Mendoza fired the gun in her presence inside the bedroom. Mendoza was acting crazy, speaking very fast and seemed to be very drunk or on drugs. She pushed him into a book shelf and ran with her [redacted] into another bedroom. Mendoza followed but she was able to slam the bedroom door preventing him from entering. Mendoza fired a round through the door and then forced his way into the bedroom by kicking the door in. Once inside the bedroom, Mendoza pointed the handgun at them, threatened them and demanded the keys to [redacted]. He grabbed her purse and fled. As he ran down the stairs he tumbled and fell to the bottom. [redacted] added that Mendoza is a heavy drinker and possibly uses cocaine. He has a violent temper especially when under the influence.

[redacted] stated she was in the upstairs master bedroom trying to sleep when she heard a loud "boom" noise and glass breaking. She exited the bedroom and was confronted by her [redacted] walking up the stairs holding a black semiautomatic handgun. Mendoza pointed the gun at her. Mendoza "seemed like he was wasted and most likely high." Mendoza screamed at her stating "You think I'm a game, I'm not a game." [redacted] heard someone yell "call 911!" Mendoza pointed the handgun at her and said "Give me your keys, I need keys." He fired one shot from the handgun while [redacted] covered her eyes. He took a purse from the bedroom and ran downstairs. [redacted] thought her [redacted] pushed him down the stairs because he fell and rolled down the stairs and exited the front door. [redacted] felt Mendoza was going to kill her during the incident and that when he fired the handgun he was aiming it at her. Mendoza appeared to be very drunk and "seemed he was wasted and most likely high."

Fifteen-year-old [redacted], [redacted], stated he was sitting on the couch in the living room when he heard two loud bangs then a loud crash that sounded like glass shattering. He saw Mendoza exit the kitchen area in a crouching manner and walk up the stairs. Mendoza fired one round from a handgun he was carrying into a wall as he walked upstairs. Mendoza was talking to himself and appeared to be "high." [redacted] hid in the house and heard two more gunshots. Mendoza ran out the front door and disappeared.

[redacted] stated he was spending the night in a downstairs bedroom with his [redacted], [redacted], who is the [redacted] of [redacted]. He heard two gunshots and saw Mendoza at the top of the stairs entering [redacted] bedroom. He heard another shot and attempted to flee out of the residence through a back sliding glass door. There he was confronted by a second person holding a large rifle.[1] A fight ensued and he was able to

[1] Deputies recovered an AK-47 rifle from a bush adjacent to the front yard of the residence. The fully loaded magazine for the weapon was located in the backyard where witness [redacted] stated he had thrown it.

pull the magazine from the rifle and throw it into an adjacent backyard. The person then reached towards his back and said "I'm going to shoot you." The person then fled out of the side gate.

[redacted] stated that patrol deputies arrived and advised they were detaining an individual outside and asked him to come out to identify the individual. He saw Mendoza in the back seat of a patrol car yelling, "Shoot me, shoot me!" and "I'll take you all on!" as well as "You won't take me alive!" Deputies were telling Mendoza to calm down and he could see Mendoza struggling in the back seat of the car thrashing his body about. After identifying Mendoza he returned to the house and heard a "thump" behind him. He turned to see Mendoza outside of the patrol car on the ground with taser wires attached to him. Mendoza still appeared agitated and yelled "Come on, I'll take you all on. You won't take me alive!" [redacted] heard the deputies continue to tell Mendoza to relax and stay still. Mendoza began kicking his legs at the deputies and a restraint device was placed on his legs. He returned to the house and saw nothing else until he became aware of paramedics arriving a short time later.

[redacted] told investigators that Mendoza had physically abused [redacted] in the past and had attempted to kidnap her in March, 2008. He was unsuccessful but was able to steal her car at the time. He insisted that she call the police and make a report and was concerned with her safety because Mendoza abused cocaine, methamphetamine and alcohol.

Deputy Armando Baires gave a voluntary statement to investigators on April 6, 2008. He was assigned to a one person car during the early morning hours. At 1:43 a.m., a call was broadcast concerning an assault with a deadly weapon, shots fired, at a residence at [redacted], in [redacted]. He responded to assist other deputies who had located Mendoza lying in bushes at a nearby location. Baires observed Mendoza extremely intoxicated and was yelling incoherently. Mendoza was handcuffed and was either unwilling or unable to walk on his own. Mendoza continued to scream incoherently both in English and Spanish. He resisted and was "just dead weight" as he refused to stand or walk. Several deputies supported Mendoza by his arms and escorted him to a patrol car and placed him in the back seat. He laid across the back seat and began kicking the car door. The deputies propped him up and seat-belted him. Although Mendoza continued to yell, he appeared to become less combative. While he was in the back seat Mendoza yelled "you're burning my hands!" "They're chasing me with a gun!" "You're going to have to kill me!" "Help me neighbors!" Mendoza was driven by another deputy a short distance to conduct a field identification. Mendoza was leaning back and was motionless at this time. During the field identification Mendoza began kicking his legs and throwing his body in the back seat. Several deputies attempted to calm him down but were unsuccessful.

Baires heard Sergeant Naccarato direct a deputy to use pepper spray on Mendoza. The doors of the patrol vehicle were opened and Deputy John Alvarez sprayed Mendoza in the face with the pepper spray. Baires stated it did not seem to have any desired effect as

Mendoza continued to kick, struggle, and act combative towards the deputies. Deputies removed him from the car and placed him on the pavement. Mendoza kicked the deputies that were nearby. Two or three deputies attempted to control Mendoza's movements with control holds but were unsuccessful as he continued to kick at deputies. Baires observed Deputy Jason Ames activate his taser on Mendoza with no apparent effect. A hobble restraint leg device was placed on Mendoza's legs and deputies placed him back into the car. Approximately two to three minutes later Baires could see Mendoza with his eyes closed, mouth open, and skin pale. He was removed from the car, paramedics were requested and CPR was performed.

Deputy Eric Caplinger stated he was working with Deputy [redacted] on April 6th and could hear thumping noises from the back of the patrol car where Mendoza was seated. He observed Deputy Alvarez pepper spay Mendoza. Caplinger saw Mendoza attempt to "work his way out" of the back seat twice, land on the street pavement and roll around. Deputies were struggling to control Mendoza and a directive was given to tase him which had no effect. Mendoza continued to yell and thrash about. Caplinger saw Deputy [redacted] place a knee on Mendoza's upper back to control him, but Mendoza continued to kick at deputies. A hobble device was placed around Mendoza's legs and he was placed back into the vehicle. He continued to yell and scream and laid down on the seat. Deputies seated him in an upright position and secured his seatbelt. As a deputy secured the hobble restraint leash on the patrol car's front door, Caplinger noticed Mendoza's head leaning against the headrest and he was staring toward the ceiling of the vehicle. His breathing was shallow. Several deputies removed him from the car and began rendering first aid (CPR). Deputy Sanchez was giving chest compressions and Deputy Ames was assisting Mendoza's breathing.

Deputy Ames stated he responded to the emergency call on La Loma Avenue. When he arrived Mendoza was already detained. He located an assault rifle and a handgun near the victim's residence. Mendoza began yelling, kicking and screaming while seated in the back of the patrol car. Ames smelled a strong odor of alcohol emitting from Mendoza. Deputies attempted to prevent Mendoza's aggression but he continued kicking. Mendoza's behavior escalated into assaultive, high risk behavior causing him to remove his taser. Mendoza ignored orders to stop kicking. Sgt. Naccarato directed him to activate his taser. Both darts struck Mendoza in the chest and as it cycled it seemed to have no effect on Mendoza.[2] Mendoza continued to yell, scream, kick and flail his body. Mendoza's momentum caused him to fall out of the patrol car. A hobble restraint device was placed on Mendoza's legs and he was put back into the rear seat of the vehicle. He laid down on the back seat and kicked the door and window. Several deputies opened the doors and assisted Mendoza into an upright position. The leash of the hobble leg restraint was secured to the front door of the patrol car. Ames noticed Mendoza's breathing to be shallow. He checked Mendoza's vital signs and could not detect a pulse. Mendoza was immediately removed from the vehicle and rescue breathing was initiated. Ames and Sanchez continued CPR until paramedics arrived.

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[2] A forensic examination of the taser and dart that was recovered revealed that the taser had functioned properly when deployed and should have had the desired incapacitating effect.

[redacted] stated he was assigned to a two person unit with Deputy Caplinger on April 6, 2008. They assisted in handcuffing and detaining Mendoza who had been hiding in bushes. [redacted] described Mendoza as a "big guy," heavy set and physically strong. Mendoza began to scream, yell and behave aggressively while he was in the patrol car. He was incoherent and yelling things such as "My hands are burning" and "Neighbors, they're killing me." Mendoza seemed to become more aggressive at the time of the field identification kicking at the car's windows. Alvarez applied pepper spray which did not have any effect on Mendoza. [redacted] attempted to hold Mendoza's legs and was kicked. Alvarez ordered Mendoza to stop kicking. As he continued to kick [redacted] Alvarez punched Mendoza twice in his rib cage. This also appeared to be ineffective because Mendoza continued to flail his body, twisting and squirming from side to side which resulted in him falling out of the patrol car onto the pavement. A taser was deployed pursuant to Sgt. Naccarato's order, but Mendoza continued to fight and resist. At one point Mendoza stated "OK, OK" and calmed down. [redacted] placed his knee onto Mendoza's upper back for control. Sanchez placed a leg hobble restraint device onto Mendoza's legs and he was assisted back into the patrol car. Once inside, Mendoza laid across the seat and began kicking and flailing his body. He was propped to an upright seated position and the leg hobble leash was secured to the front door of the patrol car. [redacted] also noted that Mendoza's breathing was shallow and emergency CPR was conducted.

Deputy Israel Sanchez also responded to the scene and heard Mendoza screaming after the field identification was completed. Alvarez was directed to spay Mendoza with pepper spray in an attempt to get him to stop kicking. Mendoza continued his aggressive behavior and an additional burst of pepper spray was applied by Sanchez at Naccarato's directive. Mendoza kicked at the deputies violently and Alvarez punched him in the upper torso in an attempt to stop him. Ames deployed a taser but Mendoza continued to kick, striking Sanchez on his legs. Mendoza squirmed his way out of the patrol car. Sanchez was able to successfully place the hobble restraint onto Mendoza's legs. He was placed back into the patrol car and continued to squirm and flail about. After the restraint leash was secured a deputy advised Mendoza's vital signs were weak. Sanchez began chest compressions until paramedics arrived.

Deputy John Alvarez assisted in the detention of Mendoza. Alvarez stated Mendoza was uncooperative and refused to walk. Alvarez assisted other deputies escorting Mendoza to the patrol car. Mendoza was agitated and yelling incoherently in English and Spanish. After the field identification, Mendoza laid down in the backseat of the patrol car and began to kick the window. Pepper spray was utilized but Mendoza continued to thrash around and kick the window. Alvarez saw Mendoza kicking [redacted]. He ordered him to stop and struck him three times in the upper torso.

Mendoza "thrust" himself out of the vehicle onto the pavement yelling and screaming. Ames utilized his taser, which had no effect. Alvarez attempted to hold Mendoza's legs as other deputies were attempting to control Mendoza's upper body. A hobble device was placed on Mendoza's legs and deputies attempted to place him back into the patrol

car as he continued to yell, twist, thrash his body, and fight. After he was placed inside the patrol car he laid down and continued thrashing and kicking. Alvarez and another deputy propped the suspect upright in a sitting position and the hobble leash was secured. [redacted] secured the seat belt and the vehicle doors were closed. Alvarez noticed that Mendoza appeared to pass out or fall asleep and his breathing was shallow. His vital signs were checked and were weak. Mendoza was taken from the car and several deputies rendered first aid and CPR. Paramedics arrived and they transported Mendoza to Antelope Valley Hospital where he died at approximately 4:08 a.m.

Sergeant Michael Naccarato was the field supervisor during the early morning hours on April 6, 2008. He responded to the crime call and learned that deputies had detained Mendoza who was resisting and yelling. Mendoza was identified during a field identification procedure and his aggressive behavior escalated at that time resulting in him kicking the vehicle's doors and windows with his bare feet. Mendoza was warned that if he continued to kick he would be pepper sprayed. After being sprayed, Mendoza yelled statements such as: "Just shoot me!"; "Kill me!" and "You're not going to take me alive!" A decision was made by Naccarato to place a hobble restraint device on Mendoza's legs to prevent him from continually kicking the windows. Mendoza "flopped" out onto the pavement as deputies opened the doors of the patrol vehicle and began kicking deputies. Mendoza was warned that if he did not stop his behavior he would be tased. He continued his assaultive behavior and Naccarato directed Ames to deploy his taser. Ames deployed the taser but Mendoza continued to kick and thrash around. Mendoza was kept on the ground while the hobble restraint was applied to his legs. While he was on the ground, Mendoza's hands were processed for gun shot residue. Naccarato placed his foot onto Mendoza's upper arm to help deputies control him and at his direction Mendoza was placed back into the patrol car. Naccarato estimated that Mendoza remained on the ground after being tased for approximately 10 to 13 minutes before being placed back into the vehicle. Naccarato was informed by deputies that Mendoza's pulse was weak and breathing shallow. Deputies performed CPR and paramedics were requested. Mendoza was transported to the hospital.

On April 9, 2008, Dr. Stephen Scholtz, Deputy Medical Examiner performed an autopsy on Jose Mendoza. The cause of death was ascribed as sudden unexpected death from acute cocaine and ethanol intoxication, with contributory factors not related to the immediate cause of death of coronary atherosclerosis and probable adverse effect of resisted physical restraint following law enforcement apprehension. The doctor also formed the opinion that the documented taser and pepper spray applications were not regarded as specifically contributory to Mendoza's death.

CONCLUSION

A police officer may use reasonable force in making an arrest or in overcoming resistance to arrest. Penal Code section 835a. Reasonableness is judged from the perspective of a reasonable officer at the scene considering the circumstances surrounding the use of force including: 1) whether the suspect poses an immediate threat to the safety of the officers

or others, 2) whether the suspect is actively resisting arrest, and 3) the severity of the crime at issue. *Graham v. Conner*, (1989) 490 U.S. 368. Further, "[T]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Finally, [The] calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation." *Graham*, supra 396-397.

California Penal Code section 192, defines the crime of involuntary manslaughter as the killing of a human being, without malice (intent), in the commission of an unlawful act not amounting to a felony or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. The term "without due caution and circumspection" refers to a negligent act which is aggravated, reckless, and flagrant and which is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances as to be in disregard for human life. *CALJIC 8.46*

The evidence examined in this investigation indicates that Jose Mendoza entered his [redacted] home while armed with a handgun. He threatened the occupants, fired the weapon a number of times, took property, fled and was arrested by deputies who found him hiding in nearby bushes. Mendoza was described by witnesses who had contact with him as being wasted, high, incoherent and "acting crazy." The evidence also suggests that Mendoza was delusional and certainly combative with deputies. The deputies used only the force necessary to subdue and control an agitated and aggressive Mendoza. The evidence reviewed does not indicate the deputies acted recklessly or in a grossly negligent manner in their attempt to control and subdue Mendoza. On the contrary, a review of the evidence shows the deputies' varied use of force applications was in di[redacted] response to Mendoza's increasingly aggressive and assaultive behavior toward deput[redacted]

Further, according to the medical examiner who conducted the autopsy in this case, the taser and pepper spay applications were not regarded as specifically contributory in Mendoza's death but rather he died of acute cocaine and ethanol intoxication.

We find that Deputies John Alvarez, Jason Ames, [redacted] Israel Sanchez and Sergeant Michael Naccarato are not criminally liable in the death of Jose Mendoza.

Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JOHN M. MOULIN
Deputy District Attorney
(213) 974-5088

c: Deputy John Alvarez #[redacted]
Deputy Jason Ames #[redacted]
Deputy [redacted] #[redacted]
Deputy Israel Sanchez #[redacted]
Sergeant Michael Naccarato #[redacted]

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 0 0 8 - 8 0 0 9 1 - 2 6 1 1 - 0 3 5	Date: 4/6/08	Time: 0143 hours	
Location: [redacted] La Loma Ave.	City or Station: Palmdale		
Bureau/Station/Facility: Palmdale Station	Admin. Investigation: YES ☐ NO ☒		
Type of Force: O/C spray, Taser, Hobble Restraint, Personal Weapon (fist)			
Deputy Injury : YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. David Whitham	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee # [redacted]	Last Name: Ames	First Name: Jason	Middle Name: P.
Sex: ☒ Male ☐ Female	Race: White	Unit of Assignment: Palmdale Station	Work Assignment (Unit #, Module, etc.): 260T1
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 6'02" Weight: 200 lbs.
☐ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #	Directed Force ☒	Significant Force ☐

E 2

Employee # [redacted]	Last Name: Alvarez	First Name: John	Middle Name: W.
Sex: ☒ Male ☐ Female	Race: White	Unit of Assignment: Palmdale Station	Work Assignment (Unit #, Module, etc.): 265
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 6'06" Weight: 255 lbs.
☐ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #	Directed Force ☒	Significant Force ☐

E 3

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]
Sex: [redacted] Male [redacted] Female	Race: [redacted]	Unit of Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: [redacted] EM [redacted] Day [redacted] PM	[redacted] Regular Shift [redacted] OT Shift [redacted] Off Duty	Age: [redacted]	Height: [redacted] Weight: [redacted]
☐ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #	Directed Force ☒	Significant Force ☐

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Naccarato	Michael	A	Sgt.	YES ☒ NO ☐	YES ☒ NO ☐
[redacted]	Oppenheim	Daniel		Sgt.	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hess	Victor	E.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Kennedy	Corey	A.

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Trent Denison (IAB) | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO# 221416

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
0 0 8 - 8 0 0 9 1 - 2 6 1 1 - 0 3 5

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Sanchez	Israel	D.

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	Hispanic	Palmdale Station	265H

Shift:		Age:	Height:	Weight:
☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]		

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ____		Directed Force ☒ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ____		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
008 - 80091 - 2611 - 035

Suspect Information

S 1

Last Name: Mendoza | First Name: Jose | Middle Name: Escobar

AKA Last Name: Escobar | First Name: Jose | Middle Name: Mendoza

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 37 | Height: 501 | D.O.B. 01-17-73 | Weight: 200 lbs. | Armed? ☒

Booking #: N/A | Primary Charge Code: N/A | Secondary Charge Code: N/A | Criminal History [redacted]

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☒ Rec'd Treatment At: Antelope Valley Hospital | Coroner Case #: 2008-02665 | Mental History ☐

By Doctor: Deuson | Address: 1600 W. Avenue J, Lancaster | Phone #: 661-949-5000

Under Influence: ☒ YES ☐ NO Substance: Cocaine & Alcohol | Mental Illness ☐

Suspect Interview

Date: N/A | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S 2

Last Name: Unknown | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☒

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ Additional Suspects Involved

Sup visor's Report on Use of Fo
EMPLOYEE / NON-EMPLOYEE INFORMATION
0 0 8 - 8 0 0 9 1 - 2 6 1 1 - 0 3 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Baires	Armando	N.
[redacted]	Caplinger	Eric	M.
[redacted]	[redacted]	[redacted]	[redacted]

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		35	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Mendoza	S	[redacted]	E3	PK	NN	LE
Mendoza	S	Sanchez	E4	PK	NN	LE/CH
Ames	E1	Mendoza	S	TR	NN	CH
Alvarez	E2	Mendoza	S	PH/OC	NN	FA/CH
[redacted]	E3	Mendoza	S	CT	NN	BK
Sanchez	E4	Mendoza	S	OC/HB	NN	FA/LE

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE
(IN-CUSTODY DEATH)

UNIT:	Palmdale Station
DATE:	Sunday, April 6, 2008
TIME:	0150 hours
LOCATION:	[redacted] La Loma Avenue, Palmdale
URN#:	008-80091-2611-035
IAB#:	FO #2217416

On April 6, 2008, the Internal Affairs Bureau Force and Shooting Response Team went to Palmdale Station's area regarding a in-custody death where significant force was used. The team consisted of Sergeant Trent Denison, Sergeant Dave Flores and Lieutenant Dave Whitham. At the time investigators arrived, the crime scene was still being preserved for Homicide Detectives. The involved personnel were with a sergeant at Palmdale Station, and the decedent had been transported to Antelope Valley Hospital. Cynthia Hernandez, Office of Independent Review, was notified of the incident and also responded to the scene.

This investigation is based on statements by the involved deputies, witnesses at the scene, and information obtained during the investigation, along with various written documentation.

SYNOPSIS:

On April 6, 2008, 0143 hours, Palmdale deputies received a call to the location regarding a woman screaming and shots fired. It was later determined the incident was a home invasion robbery and that Suspect Mendoza had shot several times with a 9mm pistol at victims inside the home. A second suspect, armed with a loaded AK-47 assault rifle, fought with one of the residents of the home. Deputies detained Suspect Mendoza, who was found hiding in bushes of a nearby residence, and he was handcuffed without resistance. Suspect Mendoza was identified by victims of the crime, as one of the two suspects in the home invasion robbery. After the field identification of Suspect Mendoza, he became enraged and combative with deputies, resulting in the deputies using Pepper

Spray and a Taser upon him as well as personal weapons (punches) and the Hobble Restraint was applied. After being placed in a radio car, Suspect Mendoza continued to kick and yell. A short time later, he calmed down and deputies noticed Suspect Mendoza's breathing was shallow. They removed him from the car and found Suspect Mendoza's vital signs were weak and he was unresponsive, so they initiated life saving measures (CPR) and summoned paramedics. Suspect Mendoza was transported to the hospital and was pronounced dead at 0408 hours.

The Coroner's report lists the cause of death as: "Acute Cocaine and Ethanol intoxication."

The second suspect in the home invasion robbery was never identified or found.

Homicide detectives responded and documented their investigation in the Homicide Investigation Book **[Exhibit A]**.
The Los Angeles County District Attorney's Office, Justice System Integrity Division closed their case and issued a letter of opinion, dated July 14, 2009 **[Exhibit B]**.
Two CD's containing Homicide detective interviews are included in **[Exhibit C]**.

The home invasion robbery incident was documented by Palmdale Station Deputies in their reports, which are found in the Homicide Investigation Book.

The force used by deputy personnel upon Suspect Mendoza was at the direction of the field sergeant, Sergeant M. Naccarato, who was present.

Deputy Ames:	One Taser application with both Taser barbs striking Suspect Mendoza's chest.
Deputy [redacted]	Held Suspect Mendoza's legs to prevent his kicking while in the radio car. Placed his knee on Suspect Mendoza's back and used his body weight to hold him on the ground while the Hobble Restraint was applied.
Deputy Sanchez:	One burst of Pepper Spray to Suspect Mendoza's face. Applied the Hobble Restraint.
Deputy Alvarez:	One burst of Pepper Spray to Suspect Mendoza's face. Punched the suspect three times on the chest (not directed force). Held the suspect's legs while the Hobble Restraint was applied.

Both Deputy Ames and Deputy [redacted], who initiated life saving measures on Suspect Mendoza, were certified EMT's prior to joining the Sheriff's Department and Deputy Ames is a Department CPR instructor.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

Alvarez, John #[redacted]

Date of Employment	01/02
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

Ames, Jason #[redacted]

Date of Employment	01/01
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted] #[redacted]

Date of Employment	[redacted]
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

Sanchez, Israel #[redacted]

Date of Employment	02/06
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:
Mendoza, Jose Escobar Napolean, MH/37, 01-17-73, 5'01", 200 lbs., Black/Brown [redacted]
C.I.I.#[redacted] FBI #[redacted]

Suspect Mendoza had an extensive [redacted]. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Mendoza had been [redacted] The [redacted] Refer to the Homicide Investigation Book **[Exhibit A]**, pages 67 - 79 for a copy of Suspect Mendoza's CCHRS report regarding his [redacted].

SWORN WITNESSES:
The following witnesses were identified by Homicide detectives and interviewed by them while in the presence of IAB investigators. Homicide's summary of each interview was reviewed by IAB investigators and each was a accurate account of what was said. Following the names of each witness is the page number in which Homicide's summary may be found in the Homicide Investigation Book.

Sergeant **Michael Naccarato**, #[redacted] - (Page 38)
Palmdale Station

Deputy [redacted] #[redacted] - (Page 31)
[redacted]

Deputy **Armando Baires**, #[redacted] - (Page 28)
Palmdale Station

Deputy **Eric Caplinger**, #[redacted] - (Page 30)
Palmdale Station

CIVILIAN WITNESS:
The following witness was identified by Homicide detectives and interviewed by them on the day of the incident and in the presence of IAB investigators. IAB investigators reviewed the recorded witness statement to Homicide detectives, as well as the Involved and Witness Deputy Supplemental Reports. The Homicide detective's summary of the interview is an accurate reflection of his statement and is found on page 27 of the Homicide Investigation Book.

[redacted]

There are no other known civilian witnesses to the use of force.

Upon review of the Homicide Investigative Book and attached station reports, it was found that no neighboring homes were checked for possible witnesses to the incident. Therefore, on February 22, 2010, Palmdale Station personnel were tasked with canvassing the area to locate residents who may have seen the incident on April 6, 2008 at 0200 hours. No witnesses to the incident were found. See Deputy Reader's supplemental report **[Exhibit D]**, for more information

INJURIES
Suspect Mendoza was transported by ambulance to Antelope Valley Hospital, where he was pronounced dead by Doctor Deuson on April 6, 2008 at 0408 hours. An autopsy of the decedent, conducted on April 9, 2008, determined that the immediate cause of death was: "Acute Cocaine and Ethanol intoxication", with contributing conditions of: "Coronary

Arteriosclerosis; probable adverse effect of resisted restraint". Refer to the Autopsy Report in the Homicide Investigation Book, page 95, for more information. In the Autopsy Report, Dr. Stephen Scholtz wrote his opinion regarding the cause of death (stated above) adding, "Taser and Pepper Spray applications not regarded as specifically contributory."

Deputies [redacted] and Sanchez were kicked on the chest, arms and legs by Suspect Mendoza, but were not injured.

PHYSICAL EVIDENCE
All physical evidence was located and collected by Homicide detectives and Crime Lab personnel and documented in the Homicide Investigation Book on pages 40 - 47. The majority of the physical evidence was related to the assault which occurred inside the house and included the finding of weapons, shell casings and bullet impact locations.

The M26 Taser utilized by Deputy Ames was collected by Homicide detectives. A representative from Taser International was flown in from Texas and was given the Taser for analysis. The Taser was then taken back to the Texas facility for further examination. The Taser was found to have functioned correctly at the time of this incident however, the Taser's internal clock had malfunctioned. Therefore, no data regarding the amount of times and length of time of each firing was found. For more information, refer to the Homicide Investigation Book, pages 49 - 54.

Sergeant Naccarato responded to the location and his video camera was utilized to film the inside of the home and location of evidence to the robbery. During the use of the camera, the battery died and deputies were in the process of changing it when the use of force occurred in the street. Therefore, the camera was inoperable at the time of the force incident and no video of the force was obtained.

INVESTIGATOR'S OBSERVATIONS
At the time of the Force and Shooting Response Team's arrival, the use of force incident was completely over however, the crime scene was still preserved. IAB investigators remained outside of the crime scene in order for Homicide detectives to conduct their investigation therefore, there are no IAB observations of the scene other than numerous parked Sheriff's Department black and white vehicles seen inside the crime scene barriers.

WEAPONS USED BY DEPUTY PERSONNEL
Department issued M26 Taser, Pepper Spray, personal weapons (fist).

WEAPONS USED BY SUSPECT
Suspect Mendoza utilized a 9mm pistol during his assault of the civilian victims inside the location. The weapon was discarded by him while fleeing the home and later recovered in a yard by responding deputies. It was not used against deputy personnel.
During Suspect Mendoza's contact with deputies, he utilized his feet to kick them.

PROPERTY DAMAGE

The only property damage was that caused by Suspect Mendoza during his assault of the victims inside the house. No damage was found to the radio car windows and doors Suspect Mendoza repeatedly kicked .

HOMICIDE DETECTIVES and CHARGES FILED

Detective S. Fines and Sergeant B. Schoonmaker
Charges Filed: None (Suspect deceased)

LIGHTING AND WEATHER CONDITIONS

The weather was cool and dark at the time of the incident (approximately 0150 hours). Ambient lighting was provided by street lights in front of the location on La Loma Avenue.

SCENE DESCRIPTION

The location of the use of force was the residential street in front of [redacted]. For more information, see the Homicide Investigation Book, page 42 and the crime scene diagram on page 47.

INVOLVED AND WITNESS DEPUTY STATEMENTS

The following persons were interviewed by IAB investigators and their verbatim interview transcriptions of their IAB and Homicide interviews are attached. A review of each person's statements to Homicide detectives was conducted and it was found that what each person said to IAB investigators, was consistent with what they told Homicide detectives. The following is a summary of what each person told IAB investigators.

Deputy **Jason Ames** told IAB investigators during his interview on February 4, 2010, that he went to the location in response to the Home Invasion Robbery call. When he arrived he found Suspect Mendoza already handcuffed and seated in the back seat of a radio car parked in the street in front of the location. He said he noticed Suspect Mendoza become enraged and kick the door and door window numerous times from inside the car. Suspect Mendoza consistently yelled angrily but never asked for medical assistance or said anything about being in pain. Deputy Ames said Sergeant Naccarato was present as well as numerous other deputies and they wanted to prevent Suspect Mendoza from hurting himself and from damaging the radio car. He said Sergeant Naccarato directed him to utilize his Taser in an attempt to prevent Suspect Mendoza's continued kicking. Deputy Ames said numerous orders for Suspect Mendoza to stop his violent behavior were given however, Suspect Mendoza did not stop kicking. Deputy Ames said the rear passenger door was open at the time so he fired his Taser and both barbs struck Suspect Mendoza on the upper chest. He said the Taser cycled once but did not have the desired effect of muscle incapacitation, which was evident because Suspect Mendoza, at the same time, wiggled his way out of the car and onto the street, still kicking at the deputies. Deputy Ames said he removed the cartridge from his Taser and placed another cartridge in so his Taser would be ready to fire again if need be. He added that he did not employ the Taser

more than one five second cycle. He did not fire a second time because deputies were able to hold Suspect Mendoza on the ground and apply the Hobble Restraint. Deputy Ames noted that he did not use any force other than the one cycle of the Taser at the direction of, and witnessed by, Sergeant Naccarato.

Deputy Ames said he did not notice the use of Pepper Spray by other deputies. He said he witnessed assisting deputies struggle to hold Suspect Mendoza inside the radio car and try to apply the Hobble Restraint but could not because Suspect Mendoza was kicking at them. He saw several deputies place the Hobble Restraint on Suspect Mendoza after Mendoza fell out of the radio car and onto the ground. Then Suspect Mendoza was sat back inside the radio car. Deputy Ames added that he did not witness any other force.

Deputy Ames said that within several minutes of Suspect Mendoza being placed back into the radio car, Mendoza calmed down and stopped yelling angrily at the deputies. Deputy Ames said he saw Suspect Mendoza appear to go to sleep or go unconscious.
Deputy Ames said he noticed Suspect Mendoza had labored breathing and checked his vital signs. He noticed he had a weak pulse, and advised Sergeant Naccarato.
Suspect Mendoza was immediately removed from the radio car and placed on the ground so the Hobble Restraint and handcuffs could be removed. He said he checked Suspect Mendoza's vital signs and realized Mendoza was not breathing. He ran to his car and retrieved a "Breath Belt Valve" and returned to start rescue breathing on Suspect Mendoza. A check of Suspect Mendoza's vitals was done again and they found he had no pulse so CPR was initiated by Deputy [redacted] Deputy Alvarez and himself. They continued CPR for a short time and until paramedics arrived and took control.

Deputy [redacted] told IAB investigators during his interview on February 4, 2010, that he went to the location in response to the Home Invasion Robbery call. When he arrived he found Suspect Mendoza hiding in bushes of a nearby residence. He along with other deputies handcuffed Suspect Mendoza without resistence and placed him in a radio car to be transported to the location for a field show-up.

> **IAB note:** **Suspect Mendoza was transported to the location for the field show up because one of the victims had cut his feet on broken glass. The victim could not be transported to the suspect per normal procedure.**

Deputy [redacted] said he saw Suspect Mendoza kicking the door and door window of the radio car immediately after being identified by one of the victims. He said Suspect Mendoza did not obey orders to stop kicking and yelling angrily. He said he, along with other deputies, opened the doors to try placing a seatbelt on the suspect in an effort to prevent him from kicking. Deputy [redacted] said he was kicked several times on his arm while trying to subdue Suspect Mendoza. He added that he saw Deputy Alvarez punch Suspect Mendoza two times on the chest but the punches had no effect and Mendoza

continued kicking at them and was able to struggle his way out of the car and onto the ground. Deputy [redacted] said he heard Sergeant Naccarato direct a deputy to use the Taser and noticed that the Taser had no effect as Suspect Mendoza continued his violent behavior. Deputy [redacted] said he placed his knee on Suspect Mendoza's upper back to use his body weight to hold Mendoza face down, which allowed Deputy Sanchez to apply the Hobble Restraint. He added that they placed Suspect Mendoza back in the radio car but Mendoza continued to struggle against the restraints and yell angrily at them. Deputy [redacted] said they opened the door again and he placed the Hobble Restraint leash forward to the driver's door, per procedure, to prevent Suspect Mendoza's continued struggling. Deputy [redacted] said he stood nearby to guard Suspect Mendoza and after several minutes of Mendoza yelling at them, he calmed down and rested his head against the back seat. Deputy [redacted] said he noticed Suspect Mendoza breathing abnormally so he checked his vital signs and immediately told Sergeant Naccarato that Mendoza had no pulse and they removed him from the radio car. He said a "Breath Bag Valve" was utilized and he assisted fellow deputies perform life saving measures on Suspect Mendoza. He added that paramedics were summoned and arrived shortly after to take over medical care. Deputy [redacted] said that Suspect Mendoza never said anything about needing medical care nor did he exhibit signs of being in medical distress until Deputy [redacted] saw his shallow breathing.

Deputy **Israel Sanchez** told IAB investigators during his interview on February 4, 2010, that he went to the location in response to the Home Invasion Robbery call and arrived during the time of the field show up. He noticed Suspect Mendoza suddenly become violent by kicking the door and window of the radio car and yelling angrily at everyone. Deputy Sanchez said Sergeant Naccarato directed Deputy Alvarez to Pepper Spray Suspect Mendoza since Mendoza did not obey orders to stop his violent behavior. He said Suspect Mendoza was not affected by the Pepper Spray and continued to kick. Deputy Sanchez said he was on the opposite side of the car and Sergeant Naccarato directed him to Pepper Spray Suspect Mendoza to prevent him from kicking. He said he sprayed Suspect Mendoza in the face with one short burst however, it had no effect and Mendoza continued kicking at them. Deputy Sanchez said he saw Deputy Alvarez punch the suspect several time on the chest however, Suspect Mendoza kept kicking at them. He added that he heard Sergeant Naccarato direct Deputy Ames to utilize the Taser and watched as Suspect Mendoza was impacted by the probes. He said the Taser cycled once but had little to no effect as Suspect Mendoza continued yelling and kicking during the cycle and squirmed his way out of the radio car and onto the ground. Deputy Sanchez said that Suspect Mendoza kicked him on the chest and Sergeant Naccarato directed the Hobble Restraint be applied. Deputy Sanchez said he had a Rip Hobble and he placed it on Suspect Mendoza's ankles while assisting deputies used their body weight to hold Suspect Mendoza face down. After he placed the Hobble Restraint on Suspect Mendoza, a GSR (Gun Shot Residue) sample was obtained from Suspect Mendoza and he was then placed back into the radio car where he continued to struggle and yell at them.

Deputy Sanchez said Suspect Mendoza continued to struggle in the back seat of the radio car so the door was opened and a deputy secured the Hobble Restraint leash to the front door of the car and the doors were shut. Deputy Sanchez said that a short time later, Suspect Mendoza appeared to calm down and a deputy checked his vital signs and found they were weak so he was removed from the car for life saving measures. He said Deputy Ames and Deputy [redacted] initiated rescue breathing while he (Deputy Sanchez) applied chest compressions, which they continued until paramedics arrived a short time later.

Deputy **John Alvarez** was on extended, Department approved, medical leave during the time of this Force Review investigation and was unavailable for comment. His statements to Homicide detectives were reviewed by IAB investigators and his account of his actions were consistent with what witness deputies told IAB investigators they saw him do.

Based on the statements by witnesses and involved persons, the following is a summary of the sequence of actions and times during this event.

- Suspect Mendoza was located and handcuffed, then driven to the location for the field show up. Immediately after he was identified as the suspect in the Home Invasion Robbery, he became violent by kicking and yelling angrily while inside the radio car and did not comply with orders to stop his behavior.

- Sergeant Naccarato directed Deputy Alvarez to Pepper Spray Suspect Mendoza and after one burst of spray to Mendoza's face, he showed no reaction to it.

- Sergeant Naccarato directed Deputy Sanchez to Pepper Spray Suspect Mendoza and after one burst of spray to Mendoza's face, he showed no reaction to it and continued kicking as the radio car doors were closed.

- The radio car doors were opened so the deputies could seat Suspect Mendoza upright and secure the seatbelt to prevent him from hurting himself and causing damage to the radio car.

- Suspect Mendoza kicked two of the deputies, then Deputy Alvarez punched Mendoza's chest two to three times however, it had no effect and Mendoza continued to kick and yell angrily.

- Sergeant Naccarato directed Deputy Ames to utilize his Taser and while doing so for one cycle, Suspect Mendoza showed little to no effect from the Taser and was able to flail his body out of the radio car and onto the ground. He continued to kick at the deputies and twist his body about while on the ground.

- Sergeant Naccarato directed Deputy Sanchez to apply the Hobble Restraint and Deputy [redacted] and Deputy Alvarez used their body weight to hold Suspect Mendoza face down on the ground to assist while the restraint was applied.

- A GSR sample was obtained and Suspect Mendoza was placed back into the radio car where he continued to struggle against the restraint and yell angrily. The leash of the Hobble Restraint was then secured to the driver's door. No more force was used and the TARP was not applied.

- The above mentioned force was in sequence and the approximate duration of time from the start of Suspect Mendoza's violent behavior to the time he was found in medical distress was approximately fifteen to twenty minutes. After the Hobble Restraint was applied, Suspect Mendoza was face down on the ground and yelling at the deputies for approximately two minutes until the GSR sample was obtained. He was placed back into the radio car where he continued kicking and yelling for several minutes and until he calmed down. Suspect Mendoza was calm for approximately one to two minutes when Deputies Ames and [redacted] noticed he was displaying signs of medical distress and he was removed from the car. The deputies immediately performed life saving measures and summoned paramedics.

- Los Angeles County paramedics responded within approximately two minutes, since they had just left the location after checking on the victim who had cut his feet on glass during the robbery incident.

- Life saving measures were performed on Suspect Mendoza by deputies and paramedics for several minutes and he was transported, via ambulance, to the hospital for further treatment.